

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

BRIAN ORLANDO WILLIAMS,  
Institutional ID No. 2331544

Plaintiff,

v.

No. 1:20-CV-00266-H

TAYLOR COUNTY JAIL, *et al.*,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE  
AND TRANSFERRING THE CASE FOR FURTHER SCREENING**

The United States Magistrate Judge made findings, conclusions, and a recommendation that the Court deny Plaintiff's motion for summary judgment as premature. No objections were filed. The District Court independently examined the record and reviewed the findings, conclusions, and recommendation for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

As a result, Plaintiff's motion for summary judgment (Dkt. No. 24) is denied. Although Plaintiff did not object to the recommendation, he did object to the reassignment of this case to the Magistrate Judge for judicial screening. (Dkt. No. 27.) He also filed requests for discovery and appointment of counsel. (Dkt. Nos. 27, 28.) As explained below, the objection is overruled, and Plaintiff's motions are denied.

**1. Plaintiff's requests for discovery and appointed counsel**

The Prison Litigation Reform Act of 1995 (PLRA) requires courts to conduct preliminary screening of prisoner complaints and those brought *in forma pauperis*. See 28

U.S.C. §§ 1915(e)(2) and 1915A. The Court notified Plaintiff that this required judicial screening of his case was pending. (Dkt. No. 5.) The Court also admonished Plaintiff that during the screening process, service of process will be withheld, all discovery would be stayed, and no motions for appointment of counsel may be filed. (*Id.*)

Additionally, Plaintiff requested discovery and appointment of counsel before, and the Court denied those requests on June 25, 2021. (Dkt. No. 23.) Plaintiff has not shown a material change in circumstances warranting a different result now. As a result, Plaintiff's requests for discovery and appointment of counsel (Dkt. Nos. 27 and 28) are denied.


**2. Plaintiff's objection to reassignment of his case**

The court notes that Plaintiff has twice been sent a notice of the availability of the magistrate judge to exercise jurisdiction over dispositive matters in this case, (Dkt. Nos. 2, 16), and he now states that he does not consent to proceed before the Magistrate Judge as provided in 28 U.S.C. § 636(c). (Dkt. No. 27.) Plaintiff is entitled to withhold his consent without adverse substantive consequences, and the Court will protect the voluntariness of that decision. But the Court may still reassign this case to the Magistrate Judge under 28 U.S.C. § 636(b) for purposes of preliminary screening or the management of other pretrial matters.

As a result, Plaintiff's objection to the temporary reassignment of his case is overruled. This case is transferred back to the docket of the Honorable John R. Parker to continue the judicial screening process under 28 U.S.C. §§ 1915(e)(2) and 1915A. The Magistrate Judge shall order the transfer of this case back to the docket of this Court and file proposed findings of fact, conclusions of law, and recommendations for the disposition of the case pursuant to 28 U.S.C. § 636(b)(1) within 270 days from the date of this order.

So ordered.

Dated August 5, 2021.



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JAMES WESLEY HENDRIX  
United States District Judge